

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BEATRICE DAVIS,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. 10-cv-428-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Beatrice Davis' motion for leave to proceed *in forma pauperis* (Doc. 2) in this action challenging a decision of the Commissioner of Social Security. A federal court may permit an indigent party to proceed without pre-payment of fees. 28 U.S.C. § 1915(a)(1). Nevertheless, a court can deny a qualified plaintiff leave to file *in forma pauperis* or can dismiss a case if the action is clearly frivolous or malicious. 28 U.S.C. § 1915(e)(2)(B)(i). The test for determining if an action is frivolous or without merit is whether the plaintiff can make a rational argument on the law or facts in support of the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Corgain v. Miller*, 708 F.2d 1241, 1247 (7th Cir. 1983). When assessing a motion to proceed *in forma pauperis*, a district court should inquire into the merits of the plaintiff's claims, and if the court finds them to be frivolous, it should deny leave to proceed *in forma pauperis*. *Lucien v. Roegner*, 682 F.2d 625, 626 (7th Cir. 1982).

The Court is satisfied from Davis' affidavit that she is indigent. However, the Court is unable to determine if Davis' complaint is frivolous because it is missing several key pieces of information. The Court will allow Davis an opportunity to amend her complaint to correct this defect.

Accordingly, the Court **ORDERS** that Davis shall have up to and including July 9, 2010,

to file an amended complaint that contains:

- the county in which she resides;
- the name of the claimant;
- the type of benefits sought; and
- the last four digits of her social security number;

Pursuant to Administrative Order 107, the Court further **DIRECTS** Davis to file **under seal** on a separate piece of paper her full social security number. The Court further **DIRECTS** the Clerk of Court to send Davis along with this order a blank Social Security complaint form, instructions for completing the form and a motion for appointment of counsel form. The Court **RESERVES RULING** on Davis' motion for leave to proceed *in forma pauperis* (Doc. 2) until after the deadline for amending the complaint.

**IT IS SO ORDERED.**

**DATED: June 21, 2010**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**